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International Court of Justice

H0935-0002

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4 June, 1946.

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH, 1946.

4 June, 1946.

COMMISSIONERS:

Colonel A. M. S. Neave
Mr. McIlwraith.

The Commission convened at 1000 THE GESTAPO

DR. HEINRICH VITZDMANN, a witness, took the stand and testified as follows:

BY THE COMMISSIONER:

Q What is your name?

A Dr. Heinrich Vitzdmann.

Q Will you repeat this oath after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

COLONEL NEAVE: You may sit down. Dr. Weisgerber, will you give us a brief statement of the matters you wish this witness to bring out. I think I asked Defense Counsel to submit this statement in writing.

DR. WEISGERBER: I will do that in the future. The witness shall testify concerning the concentration camp near Stettin and concerning the happenings of November 8, 1934 as far as the Gestapo is concerned.

COLONEL NEAVE: The Concentration Camp is described as Vulken Werft?

DR. WEISGERBER: Yes - near Stettin.

COLONEL NEAVE: Will you go on?

H0935-0003

DIRECT EXAMINATION.

BY DR. HEIM:

Q What is your name?

A Dr. Heinrich Vitzdmann

Q When were you born?

A February 29th, 1892.

Q Where

A At Stralsund.

Q What was your career with the Police?

A In 1922 I entered the Prussian administration as a legal assistant, in 1927 I became Regierungsvat and during that time I worked especially with police matters. In 1933, I became assistant chief of the Police in Stettin, but without any supervision over the political police. In 1936 I was made Chief of Police at the Main Police Office at Konigsberg. I was also in charge of the local Gestapo office. In the middle of 1939 I was transferred out of the Gestapo again and then became police president.

Q In 1934, when you were the assistant to the Chief of Police in Stattin, did you turn in and report SS Oberfuhrer Engel because in the area of Vulkan Werft he had an unauthorized concentration camp?

A Engel at that time was my chief as Police President and I was his assistant or deputy. Engel had on the terrain on the former Vulken Werft an unauthorized concentration camp. He had that camp administered by SS men that he had sent from Berlin.

COLONEL NEAVE: Will you please ~~tell us~~ repeat this man's name and what position he held in the SS?

DR. HEIM: The witness said that the man was SS Oberfuhrer Engel.

COLONEL NEAVE: Was he in charge of this concentration camp?

2

H0935-0004

DR. HEIM: The witness has said that Engel had organized this concentration camp and that Engel was the Chief of Police.

THE WITNESS: May I add something?

COLONEL NEAVE: Yes.

THE WITNESS: Engle was formerly chief of the SS in Pommern and was made Police President at Stettin.

BY DR. HEIM:

Q Did you at that time report Engel?

A Yes, I reported Engel after I heard of various cases of mal-treatment of persons at the concentration camp, especially the mistreatment of Jews who refused to give Engel either money or material, such as coal for instance. These happenings were reported to me by Gestapo members in Stettin, men who did not have anything to do actually with the Concentration camp. I then went to the President of Stettin and reported to him the entire matter.

Q What organization or office took measures against Engel?

A The state president went to Berlin and brought the entire matter to the attention of Goering.

COLONEL NEAVE: We will now recess for ten minutes.

(THE COMMISSION RECESSED AT 1130 HOURS.)

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H0935 – 0005

(AFTER RECESS)

BY DR. HEIM:

Q I should like to repeat my last question. What office took action against Engel?

A Goering personally ordered an assessor, a legal assistant, to investigate the incidents in Stettin on the report that the State President had given him. He carried on this investigation aided by officials of the Gestapo who gave him very strong support in uncovering the crimes that had been committed. He then reported personally to Goering. Then Goering entered an action against the guilty persons through the Ministry of Justice.

Q In what capacity did Goering proceed at that time?

A Goering was at that time Head of the Gestapo in Prussia and at the same time Prime Minister.

Q What part did the Gestapo of Stettin have in the procedure against Engel?

A The Gestapo of Stettin had no part in the incidents which took place in Vulkan Werft; on the contrary they reproached them.

Q Did the Commission avail themselves of the Gestapo officials of Stettin at that time?

A Goering's deputy had specially trustworthy Gestapo officials present at the investigations and interrogations.

Q What happened to the guilty persons?

A The guilty people were sentenced by a legal trial to penal servitude but on the 30th of June, 1934, they were executed, on Goering's orders.

Q Did the Gestapo officials have any personal disadvantages by having proceeded against Engel?

H0935-0006

A One of Goering's first measures was to rob Engel of his post. But very soon an opposition movement arose in the police department of the Ministry of the Interior. The Gestapo officials who had a hand in this were ordered to appear in Berlin. There they were interrogated and most of them were transferred to other posts. After some time I myself was also transferred. The National Socialist Party did not want to accept my membership because of behavior detrimental to the Party. Then Goering once more interceded and finally relieved Engel of his post. Engel then became Director of the Garbage Disposal of Berlin.

Q I would now like to have the witness testify as to the events of the pogrom of the 8th and 9th of November 1938. First, concerning the conference in Munich on the 8th of November that was convened by Heydrich. Were you present at the meeting of the Gestapo officials that had been called by Heydrich on the 8th of November?

A Yes, but the meeting took place on the 9th of November.

Q Did Heydrich declare that a Jewish Pogrom was going to take place that night?

A Yes. Heydrich had all the officials looked for in their hotels and also on the streets, in order to invoke them to a meeting. At this meeting he declared that reprisal actions were going to take place for the murder of the Councillor of the Embassy in Paris, von Rath.

Q. At what time of day did this discussion begin?

A. The meeting must have taken place between 9:00 and 10:00 P. M.

Q Did Heydrich say who had issued the instructions concerning the Jewish Pogrom?

H0935 – 0007

A Heydrich did not pronounce the name very clearly but he left no doubt as to the fact that the action was instigated by Goebbels.

Q Did Heydrich obviously agree with the carrying out of this pogrom?

LT. HARRIS: I think this is entirely immaterial and I objedt on this count. The question calls for a conclusion and it is irrelevant. I have no objection to the witness testifying as to what Heydrich said but I object to the witness testifying as to his conclusions as to what Heydrich's personal feelings were.

COLONEL NEAVE: I sustain that objection. Dr. Heim, will you find out from the witness what Heydrich said?

BY DR. HEIM:

Q Did Heydrich make any remarks to show that he did not agree, was not agreeing with Jewish Pogroms?

A Heydrich explained very clearly that this pogrom did not rise out of a police action, that the police had absolutely nothing to do with anything of this sort and that if the police did have a hand in it it would only be as far as preventive measures were concerned.

Q You used the term "police." Do you mean police in general, or the Gestapo?

A The entire police, Gestapo included.

Q Did Heydrich in his speech ask the Gestapo to participate in this pogrom?

A No. On the contrary, Heydrich forbade the Gestapo expressly to have any active part in this pogrom. On the contrary, he asked the Gestapo officials who were present to return as quickly as possible to their offices and to try everything to put an early end to this pogrom. They were, above all, to see to it that no meetings took place.

H0935-0008

Q In Document 3051-PS, submitted by the Prosecution, it says under No. 2, This is a teletype to all offices of the Police and Police Main Offices, written by Heydrich, - if the directives mentioned in paragraph 1 are carried out, the demonstrations that are going to take place are not to be prevented by the police but the police are to see to it that the keeping to the directives is being guarded or watched. How do you explain this contradiction --

LT. HARRIS: I just wondered whether you had a copy of the German to be submitted to the witness so that he can read it. He may have seen it before but as a matter of accommodation I think it would be helpful to the witness.

COLONEL NEAVE: Are you putting this document to the witness?

(The document was handed to the witness.)

BY DR. HEIM:

Q How do you explain the contradiction between what Heydrich said in Munich and these instructions which I have just submitted to you?

A This contradiction I explain by the development of events which had occurred in the meantime. At the time that Heydrich spoke to the Gestapo officials he knew nothing of the events themselves. At the time when he issued his orders to the Gestapo offices many of the synagogues were already on fire and excesses had already taken place. Therefore he could at such time issue only such orders as could be carried out. There would have been no sense in having tried to have the synagogues guarded during the night after many of them had already been reduced to ashes.

DR. HEIM: The witness is now supposed to testify as to the behavior of the Gestapo in Königsberg at the time of the Jewish Pogroms.

H0935-0009

COLONEL NEAVE: Did you state at the beginning that he was going to describe these events?

DR. HEIM: Yes.

COLONEL NEAVE: Are you referring to the Jewish Pogrom in 1938 - to the Gestapo behavior at Königsberg?

DR. HEIM: Yes. The witness is to testify as to what happened after Heydrich's speech, in the Gestapo office in Königsberg.

COLONEL NEAVE: All right.

BY DR. HEIM:

Q When did you return to the Gestapo Office, Königsberg, from Muhich?

A I left immediately the next morning and arrived in Königsberg one or one-and-a-half days later.

Q What, as Chief of the Gestapo there, did you hear had happened in your absence during the Jewish Pogrom?

A I first learned that the Gestapo had been taken completely by surprise --

COLONEL NEAVE: Dr. Heim, is what this witness heard, had happened in Königsberg during his absence at the Munich Conference relevant? Also, I don't remember that you referred to the events at Königsberg in your original statement. I am sure you did not. The witness may state his own knowledge of what happened in the Gestapo office in Königsberg but he may not state anything regarding to hearsay happenings during his absence in Munich.

DR. HEIM: The witness can testify as to what was submitted to him as official matters when he returned to his Königsberg office and the action that he took concerning the Jewish pogrom which had not yet been concluded.

COLONEL NEAVE: Well, let us keep this short because you never raised this at the beginning. Let's hear what action he took.

H0935-0010

BY DR. HEIM:

Q What did you learn at Königsberg?

A I heard from the director of the Executive Department that the Synagogue had been set on fire and had burned down. I also learned that certain buildings belonging to the Jews had been evacuated and had been seized by the troops. I also learned that show windows in the main streets had been demolished and plundered. Gestapo officials had been commandeered everywhere immediately in order to prevent further looting. Groups made up of members of the population had entered various flats, had seized the furniture, linen, and clothing, had thrown them on the street and had distributed these articles there. As soon as such cases became known, Gestapo employees were sent there. Moreover, about three or four men in S.A. uniforms were responsible for the death of three to four Jews. I had these people arrested immediately and handed them to the guards.

Q What action did you take concerning plundered Jewish property?

A I had heard that much of this property had been acquired by circles of the political leaders and party members. I went immediately to the Gauleiter and requested that he order that all such property as had been acquired from Jews, even if it had been bought, was to be returned immediately and deposited with the Gestapo. This order was carried out to a great extent and wherever possible the property was returned to the rightful owners. At that time many Jews approached the Gestapo, asking that they be protected by the Gestapo because they knew they would be treated well there. Several party officers immediately tried to get possession of the houses that had been forcefully evactuated. The Gestapo itself took no part in buying such houses or in taking possession of such houses.

H0935 - 0011

Q Were distinguished Jews arrested by the Gestapo in Königsberg?

A When I returned to Königsberg a number of Jews had been arrested by reason of Heydrich's order. I did not send these people to a concentration camp but kept them in rooms on the premises of a Fire Brigade School. I saw to it that they were well quartered and well fed. In the course of the weeks following one after another of these Jews was released.

DR. HEIM: I have four more questions.

BY DR. HEIM:

Q Did members of your Gestapo office enrich themselves by taking Jewish property?

A No, not a single Gestapo employee did so. I had also issued written orders that anyone who took such actions would be dismissed immediately. The Gestapo officials did not do any such thing for this reason also -- because they considered the whole action a crime.

Q Were you not pressed by several sides to arrest a certain woman, a half-Jewish woman called Fleischer, in Königsberg?

A Yes, this woman

COLONEL NEAVE: Wait a minute. Do you think we need a description of this incident? Can't we just know whether this person was arrested or not?

DR. HEIM: This is the second to the last question.

BY THE WITNESS:

A This half-Jewish woman, Fleischer, who was considered full Jewish in the terms of the Nurnberg Laws, had carried on a very intimate relationship with the Councillor of the Embassy in Paris, vom Rath, who had been murdered. Pressure was put upon me to see to it that this woman would be sent to a

H0935-0012

concentration camp so that nothing would become known of this. I refused for two reasons, first, because in my opinion an intimate relationship, a love relationship, is no reason for sending anyone to a concentration camp; secondly, because I did not wish to support Goebbels' thesis. I then went to Berlin and reported to Dr. Best. After considerable discussion he declared himself to agree to my opinion. Up to the middle of 1939, until which time I was in Königsberg, nothing happened to this Jewess.

DR. HEIM: I have no further questions.

THE SS

DR. HENZEL; I should like to ask one question for the SS. In the Decree that was submitted to you it says that the Gestapo might make use of the SS in order to keep order. Do you remember whether in these hectic days of the 9th and 10th of November, SS groups were used to sustain order on the streets?

THE WITNESS: I heard nothing of such actions in Königsberg or East Prussia.

CROSS-EXAMINATION

BY COLONEL GRIFFITH-JONES:

Q I want to ask you a few questions about the Stettin Camp. How long had that camp been in existence when it was closed up.

A Several months.

Q Can you tell me by whom it was manned - who were the men who were acting guards of the camp?

A The acting guards were exclusively SS men. They were in part rather wild looking men, people Engel had brought from old fighting groups in Berlin.

H0935-0013

Q We have been told by other witnesses that there were other camps of this kind, unauthorized camps. Do you personally know of any others beside Stettin?

A No.

Q What was wrong with the conditions in this camp?

A First of all it was a camp that had not been approved. Secondly, the quartering was really unworthy of human beings. Thirdly, mal-treatment took place to a great extent. Fourthly, the reasons for which these people had been arrested were objectionable ones because on most of these people pressure had been put consisting of blackmail. For example, if the SS needed coal, they looked for a coal dealer, preferably a Jew, in order to supply this fuel free of cost. If the dealer did not want to supply the coal he was put into the camp until he declared himself willing to supply the fuel.

Q What was the number of internees in the camp when it was closed up?

A I can only give an estimate - I believe below 100.

Q Were prisoners brought to that camp from other districts outside Stettin?

A Yes, especially from the SS District Pomerania.

Q Was that a district which came under Engel?

A Yes, in his capacity as SS leader.

Q Were people brought to Stettin from areas outside the jurisdiction of Engel's command?

A I don't believe so.

Q You have told us that people were brought there to be blackmailed by the SS. Were the SS generally throughout the country blackmailing people and behaving in that kind of a way, whether or not they had a concentration camp handy?

H0935 - 0014

A No, that was not the case. This happened only in certain places where responsible leaders were liable to carry on such excesses.

Q Can you tell me other areas where excesses were carried on by the SS?

A I might mention Berlin, in the infamous Columbia House, but I have no definite information.

Q Can you tell us about the infamous Columbia House?

A No, I cannot.

Q Can you give us any brief idea as to what happened at the infamous Columbia House?

DR. HENZEL: I should like to object because the witness just said that he knew nothing about the Columbia House and he is now being asked to give information about it.

BY COLONEL GRIFFITH-JONES:

Q Well, let me ask you this. Was the Columbia House a place of detention run by the SA?

A I cannot say, I do not know.

COLONEL NEAVE: The witness has repeatedly said that he does not know.

COLONEL GRIFFITH-JONES. I accept that; I just wanted to find out to what extent he did not know.

BY COLONEL GRIFFITH-JONES:

Q We have been told of other unauthorized camps being organized by the SA. Do know of the existence or did you at that time know of the existence of any such camps?

A I heard nothing of any camps that were established, if you mean at about that time.

H0935-0015

Q. I meant at about that time.

A. No.

Q. Were there camps established by the SA at any other time?

A I know nothing of the SA nor of the SS. I only knew of concentration camps that were erected officially later.

Q Why did you ask specifically whether I was referring to about that time or not.

A Because I wanted to distinguish between the establishment of official concentration camps.

Q Did the SA cooperate in any way with the SS in the running and organization or the setting up of the Stettin Camp?

A The SA had nothing to do with it. It was an SS Camp.

Q I want to ask you about the authorized camps.

COLONEL NEAVE: I stopped Lt. Harris this morning on the grounds that he was not confining himself as far as possible to cross-examining on matters, on ~~which~~ this I think we previously agreed, which defense counsel had stated ~~in~~ at the beginning of his examination.

COLONEL GRIFFITH-JONES: Perhaps I can make the object of my question clear and I think you will see that I am keeping within that arrangement. This witness has given evidence which in a word can be summarized as going to show that the Gestapo is a perfectly legal and harmless organization. When I say that I am going to ask him about the authorized concentration camps I am going to do so only insofar as the Gestapo are concerned and in order to rebut that evidence that they were harmless, legal organizations.

H0935-0016

COLONEL NEAVE: Dr. Weisgerber, I do see that in your application you state that the facts that this witness is supposed to prove are relevant because they refer to action by the Gestapo against ill-treating of prisoners and arrests contrary to the law. Perhaps you would like to see your original application. (Application handed to Dr. Weisberger.)

DR. WEISBERGER: We asked that this witness be called expressly to examine him on whether the Gestapo took action against the unauthorized camp in Stettin. I did not have this witness called on matters concerning Gestapo actions nor concerning other concentration camps. I would like to state that later I shall ask for a witness to be called who is to testify as to the relationship of the Gestapo to concentration camps so that the questions the prosecution would like to ask now are superfluous.

COLONEL NEAVE: Col Griffith-Jones I do not believe this witness qualifies as an expert on concentration camps. I think it will be preferable to confine ourselves to this incident about which he is ~~qualified~~ called to testify.

BY COLONEL GRIFFITH-JONES:

Q. Let me then turn to the November 1938 demonstrations. Did I understand you to tell us that the Gestapo took no criminal action during the course of those demonstrations?

A Yes.

Q You know, do you not, that on the 10th of November Heydrich sent an order to all State Police Stations instructing the police, so far as their other duties allowed them, to arrest in all districts as many Jews, especially rich ones, as could be accommodated in the prisons. Do you know that?

A Yes.

Q Wait one moment. Do you know that only healthy men and men not too old

H0935 -0017

were to be arrested?

A Yes.

Q And that upon their arrest the appropriate concentration camps were to be contacted immediately?

A Yes, I know all that.

Q Was there any just cause for arresting Jews on the 10th and 11th of November?

A No. I do not know, but I imagine that this order was issued to see to it that the action was carried out with as little bloodshed as possible and in order to undermine the action.

Q But why should it be necessary to arrest as many healthy Jews as possible in order to avoid bloodshed?

A I cannot say what the reasons were because we got this order.

Q I am not asking what the reasons were for the order - I am asking whether you agree with me that it was wholly unjustified?

A Yes. I considered it unjustifiable and all the Gestapo employees also considered it unjustifiable.

Q Was such an arrest in complete contradiction to the laws then in force in Germany?

A Yes and I carried out only part of this order by not sending the Jews into the concentration camp but by quartering them in a Fire Brigade School.

Q My questions are not directed to you personally - I am asking generally. In actual fact 20,000 Jews were arrested on that day, were they not?

A I do not know how many Jews were arrested.

Q If Heydrich reported on the 11th of November to Goering that 20,000 Jews had been arrested, you would accept that figure, would you not?

H0935-0018

A Yes, if Heydrich says so.

Q Now can you explain to me why, if the Gestapo was an organization that was used only for lawful purposes, they should participate in the wholly illegal and unjustifiable arrest of 20,000 Jews?

A The Gestapo did not take any part in this action as such but only carried out police orders that were issued to the Gestapo.

Q I understood you to say that you yourself, your own Gestapo, had arrested a number of Jews?

A Yes.

Q You were in November 1938, the head of the Gestapo in Königsberg?

A Yes.

Q It was your Gestapo officers who assisted in the arrest of a number of jews?

A Yes, they did.

Q Well, let me ask you now, why do you say that the Gestapo did not assist in the arrest of Jews?

A In the actual arrest, yes.

Q Well do you think that it was lawful to arrest Jews who had committed no offence, for no other reason than that they looked healthy, or not too old?

A When I returned to Königsberg they had already been arrested and I imagine this order was carried out in order to put as quick an end to the whole matter as possible.

Q Very well. Now I am going to pursue that matter. Let me ask you one further question upon the events of November. Do you know that according to Heydrich, reporting on the 11th of November, 191 synagogues had been set on fire and another 76 had been completely destroyed?

H0935 — 0019

A I do not know the exact number.

Q Well you can take that figure from Heydrich. Do you consider it a proper course to adopt for the Secret State Police to stand by and do nothing to prevent that destruction taking place?

A I was told that the Gestapo did not hear of this action until after the action was already instigated and in full swing.

Q If the Gestapo was a legal and proper organization why should it ever have had orders of that nature issued to it, whatever time those orders happened to arrive?

A I don't quite understand the question.

Q Do you think an order issued by a head office, to arrest as many jews as the prisons will hold and to stand by and not interfere while Jewish synagogues and property were burned down -- do you think such an order is a legal and proper order?

DR. WEISGERBER: I object because the question asks the witness to give a personal impression.

COLONEL NEAVE: I think as an important person in the Gestapo he might answer the question; the question really is whether he thinks it was right or wrong.

COLONEL GRIFFITH-JONES: That is correct.

DR. WEISGERBER: I should like to point out that in this very room questions of the defense concerning opinions of witnesses have been objected to and as far as I know, interrogation here is not to be concerning opinions of individual persons but the general idea of an organization or unit as a whole.

H0935-0020

COLONEL GRIFFITH-JONES: That is perfectly true but at the same time this man has given evidence that he was at a conference with Heydrich where these orders were given.

COLONEL NEAVE: Could the question therefore be framed in respect to the conference?

COLONEL GRIFFITH-JONES: This witness has said that the Gestapo was not a criminal organization. I am entitled, therefore, to find out what his ideas of "criminal" are. There is no difference between asking this question and asking him whether or not the Gestapo was a criminal organization. All he can do is give his opinion.

COLONEL NEAVE: Yes, Dr. Weisgerber, we must allow this question because the witness, by putting himself in the box has put himself forward as a credible witness and therefore, particularly as he was present at the conference at which these orders were given, he may be cross-examined as to whether he thinks they were right or wrong.

BY COLONEL GRIFFITH-JONES:

Q. Now will you answer my question? Do you think that order was a proper order or a wholly unjustifiable and illegal order?

A Like my employees, I also did not consider this order a proper one but we thought that the possible reason for it might have been that by these means the excitement that prevailed among the population was to be stopped.

Q I do not want to press this matter but are you telling us now that by allowing all the synagogues in sight to be burned down and by the arrest of 20,000 innocent persons, you were likely to stop the excitement?

A No, I personlly did not believe this.

H0935-0021

COLONEL GRIFFITH-JONES: No further cross-examination.

LT. HARRIS: I have a question or two to put to the witness.

COLONEL NEAVE: I think it is time to adjourn. You can ask your questions after lunch.

(A recess was taken until 1400 hours.)

H0935-0022

AFTERNOON SESSION

(The Commission reconvened at 1400 hours, 4 June 1946)

DR. HEINRICH VITZDMANN - Resumed.
CROSS EXAMINATION - continued.

CAPTAIN TUBRIDY: Will you remind the witness he is still under oath.

THE WITNESS: Yes.

COLONEL GRIFFITH JONES: I wonder if I might be allowed to ask a few questions which I had forgotten this morning.

BY COLONEL GRIFFITH JONES:

Q Tell me who were the members, or what organization was it that set the synagogue on fire on 10 November 1938?

A They might have been SA men, and members of the Political Leaders. There were single groups of Brownshirts that went through the streets during these riots, and it is reported that the order actually came down from Goebbels to the various Gauleiters.

Q If the Gauleiters had received his order they would have distributed, or circulated the instructions down to the lower men of the Leadership Corps, is that not so?

A Yes, that is what I suppose so.

Q Do you not know as a fact, being the Chief of the Gestapo in Koenigsberg at that time. Do you not know as a fact who is responsible for organizing the demonstration?

A No, the Gestapo did not find that out.

Q You don't know that the SA Leaders were sent any reports of the damage done?

51

H0935 - 0023

A As a leader to whom did they report them?

Q I am asking you if you knew whether they did report?

A No.

Q Do you know whether the junior ranks, or the lower ranks in the Leadership Corps reported?

A I don't know to whom they ~~should~~ were supposed to ~~X~~ report~~ed~~.

Q To the higher formations or commanders?

A No, I know nothing about it.

Q Whoever it was that organized the demonstration in November, they were never organized on a big scale, were they?

A Yes, the person that organized this was supposed to have been Goebbels.

Q And the organization was carried on down to the lowest levels?

A I heard that it was supposed to have been sent down through the Gauleiter down to the district leaders.

Q Is that the Kreisleiters?

A I do not know that officially.

THE INTERPRETER: He said, Kreisleiters.

BY COLONEL GRIFFITH JONES:

Q Did you hear of the order going down below the Kreisleiters?

A No, I know nothing of that.

Q Did you hold any conference after the demonstration with either the political leaders, or the leaders of the SA?

A No, I did not have any such conference. We had to present our reports concerning the destruction to Heydrich in Berlin, and what happened after that I do not know.

COLONEL GRIFFITH JONES: That is all.

72

H0935-0024

DR. BERGES: May I ask a question before the Court for the Political Leaders.

CAPTAIN TUBRIDY: One question?

DR. BERGES: Yes.

BY DR. BERGES: Witness, you stated that you with the Political Leaders took part in this demonstration. Can you tell me from whom you heard that, and when you heard that?

A As I stated before I can not say who they were, but from the conference with Heydrich it came very clear that it came down from Goebbels, and as I say I can not say officially that it went down from him to the Gauleiters and the Kreisleiters.

DR. BERGES: No further examination.

BY COLONEL KAREV:

Q Did I understand the witness to say that the Gestapo members that mistreated the prisoners were later on sentenced?

A You are speaking of Stettin?

Q Yes?

A Yes, the Gestapo members which were discovered to have some connection with the Vulkan Werft were later on disciplined.

Q Why were they disciplined?

A Well, as I stated Goering removed Engel from his office, but in the Ministry counter actions were started by friends of Engel, and as I have said before, for a short while he was reinstated, as I said before, through the action of Daluege, a friend of Engel. He was reinstated, and the Gestapo men that had acted against Engel in uncovering this concentration camp were disciplined by Engel, the same as I was. They were disciplined not directly by Engel, but by police direction of the

H0935 - 0025

Ministry.

Q Did I understand you correctly, that the higher officials of the Hitler government covered or helped those persons that were responsible for the mistreatment of those prisoners?

A The story was as follows: That Goering on one side relieved Engel of his post, and on the other hand Daluege, the Chief of the Police Department, put Engel back into power, and disciplined the Gestapo agents that had helped in uncovering this concentration camp. Then Goering once again stepped in, and removed Engel permanently.

Q Did I understand the witness correctly in saying there was friction between the Gestapo and the SS?

A Yes.

Q Who was in charge of the SS and the Gestapo at the time that the witness was on duty?

A Engel was both the Chief of the SS in Pommerania, and Chief of the Police in Stettin.

Q Was Himmler in charge of the SS and the Gestapo at that time, or were those two organizations combined?

A At that time the Chief of the Gestapo was Goering, and the condition of the SS was Himmler.

COLONEL KAREV: No further questions.

LT. HARRIS: I would like to ask one or two questions to clear up some matters.

CAPTAIN TUBRIDY: Yes.

BY LT. HARRIS:

Q As I understand it, SS Oberfuehrer Engel was the leader of the SS

H0935-0026

in Pommerania?

A Yes.

Q Did he establish this illegal concentration camp, or was he merely the commander of it?

A No, he built it.

Q And when you found out about the atrocities that were being committed by the SS in this illegal concentration camp, you went over his head and reported the matter to the Regierungs president of Stettin?

A Yes, directly.

Q And since you went over his head and made this report, you must have thought that the conditions in this illegal con centration camp were very bad?

A Yes.

Q Following your investigation some of the guards in this camp, I think you said, were actually sentenced to penal servitude, and put into prison?

A Yes, penal servitude, and later on some of them were shot.

Q Those who were shot had already been convicted, and were serving their sentence, but they were shot in connection with the Roehm purge by order of Goering?

A Yes.

Q But Engel who was the leader of the whole operation finally wound up with a job as Director of Guard Disposal in Berlin?

A That was through their leader.

Q Who was Gauleiter Karpfenstein?

A Karpfenstein at that time was Gauleiter of Pommerania, and he was on the side of Engel. He also brought measures from the Party against these Gestapo men, and myself who had reported the concentration camp due to the

H0935-0027

fact he claimed that it was harmful to the Party.

Q Did Karpfenstein have anything to do with the establishment of this illegal concentration camp?

A Well, he knew about it,but he was not connected with it.

Q Would you believe the testimony of Goering in this matter?

Q What was the statement?

Q Concerning Karpfenstein participation in this illegal concentration camp?

A Yes, if Goering claimed that it could have been possible, very well, but I don't know of it.

Q Let me read to you from the official transcript of this trial what Goering said about this illegal concentration camp, who was responsible, and what was the punishment. I read from page 5839 of the English translation, Goering's testimony:"I found out about such a matter near Stettin; it had been established by Gauleiter Karpfenstein from Pommerania. That I know that Political Gauleiters were also concerned in this concentration camp in addition to the SS." Do you think that Goering's testimony is true?

A Yes.

Q Let's see what happened to Karpfenstein. He was top man in the Gau of course,and that is what Goering says in his sworn testimony in the second sentence as follows, quoting: "Karpfenstein was excluded from the Party, expelled from the Party." Do you think that is inadequate punishment for atrocities which you knew occurred there in that concentration camp, or not? ~~or don't you~~?

A Punishment for whom?

Q For Karpfenstein?

H0935-0028

A Sofar as I know that was not the reason for Karpfenstein to be expelled from the Party. What I believe was the reason, Karpfenstein was released during the Roehm Putsch due to conspiracy together with Obergtuppenfuehrer von Heydebreck, the chief of the SA in Pommerania.

Q You think that when Goering testified he caused Karpfenstein to be excluded from the Party as punishment for establishing this illegal concentration camp, he was not telling the truth?

A It might have had something to do with it,but I don't think that was the only reason.

Q Turning to 8th and 9th of November, how was it that you were in Munich on the night of 9 November 1938?

A Heydrich had invited all the Gestapo chiefs to attend a conference on 9 November in Munich.

Q There was another big conference going on there on 9 November in Munich, wasn't there?

A Yes, there was the regular Party celebrations that were on here on 9 November.

Q Did Heydrich tell you that at the conference the idea of the Nazi officials, just before the time that Heydrich spoke to you, ~~was~~ this pogrom ~~that~~ had been discussed and worked out?

A I can not remember that.

Q Youbsaid this conference took place at nine or ten o'clock in the evening 9 November?

A Yes.

Q You said that at this time Heydrich said that this pogrom was not a police action,and the police were to have nothing to do with it?

A They said that it only had these duties.

H0935 - 0029



Q You attempted to account for a contradictory order which was read to you by your attorney by saying that probably the synagogues were all being burned down at the time of the conference unknown to Heydrich?

A Yes.

Q You said that you believed that this action was carried out by members of SA and Political Gauleiters?

A Yes.

Q And as a matter of fact the action was carried out jointly with the Gestapo and the Political Gauleiters, wasn't it?

A No, we just heard that evening what actually was going on from Heydrich.

Q I ask that the witness be shown Document No. 3051 PS. I just want you to go along with me, and you will see that this teletype which has been referred to heretofore, and this note at the very top of the page, the time of this teletype, shows it is 10 November 1938 the following morning, 1:20 A.M.; that is a matter of three or four hours after this conference. Do you see that in the document?

A Yes.

Q Now I want you to read with me the first paragraph of that document. This teletype was sent to all headquarters and stations of the State conference. Paragraph one - you had better read the German:" The chief of State police --" Let him read, too. "Or their deputies must get in telephonic contact with the political leader, Gauleiter, or Kreisleiter, who have jurisdiction over their district, to have to arrange a joint meeting with an appropriate inspector or commander of the ordinance police to discuss the organization of these demonstrations. At these discussions the political leaders have to be informed that the German police had re-

H0935 - 0030

ceived from either the Reichsfuehrer SS or Chief of German Police the following instructions in accordance with which the political leaders should adjust their own measures." That shows the Gestapo was to work with the Politsche Leiter in this pogrom, doesn't it?

A I say and peruse the following: These discussions were arranged so that it would be possible for the Gestapo to choke off ~~the~~ or regulate these demonstrations.

Q And I suppose you mean that they were to stop the burning of the synagogues, is that the idea?

A Yes, at first.

Q Lets read the next paragraph, paragraph A,and see whether Heydrich supports your present contention. This is what Heydrich orders you and other members of the Gestapo to do, at 1:20 AM on 10th November. This is what he says in paragraph A:"Only such measures should be taken which do not involve danger to German life or property. For instance, synagogues are to be burned down only when there is no danger of fire to the surroundings." That does not look as though the Gestapo was being ordered by Heydrich at that point to stop burning down synagogues, does it?

A That shows an order that was sent by Himmler to the entire German police,and it is possible that in this order it is not Heydrich's opinion that is being expressed,but Himmlers.

Q But an order that is from Heydrich sent over the teletype to all Gestapo offices, isn't it?

A Yes,but they were not to the entire German Police. It says here that these orders were sent by the Reichsfuehrer SS to the entire German police.

Q You said that you went around and obtained all of the looted proper-

H0935-0031

ty that you could and returned it to your Gestapo office, didn't you?

A Yes, sofar as it was so possible to return it to the Jews.

Q What did you do with the property that you could not return to the Jews?

A In that case there was an order out that it was supposed to be turned over to the Reichfinanz Ministry, to the president of the Finance Department.

Q And that you also said that Heydrich, according to what he said in this conference, was not in favor of this mistreatment of Jews?

A Yes, he expressly forbid that.

Q Did you know that on 12 November at eleven o'clock in the morning, two days later, that Heydrich attended a meeting on the Jewish question, and at which time this pogrom was discussed with Goering and Funk, and other Nazi officials?

A No, I don't know anything about that.

Q Then I ask the witness be shown document 1816. Now at this time Heydrich was head of the Gestapo, was he not?

A Yes.

Q And this document that you are being shown is a certain report of a meeting held under the chairmanship of Goering on 12 November, 1938, concerning this pogrom, and the action to follow. Now I want to ask you again whether following the pogrom you did not receive instructions to confiscate valuable objects in Jewish possession?

A I would not know of that.

Q All right, turn to page 44. We will see where Heydrich told Goering that they discussed about this confiscation of Jewish property. This is

H0935 - 0032

Heyrich speaking:"But will also have to find an arrangement for confiscation of valuable objects in Jewish possession," and then Goering said,"What he has now in his possession,that will come." That indicates what Heydrich was intending to do.

THE INTERPRETER: Will you please read the sentence of Goering?

Q What he has now in his possession, that will come."

THE INTERPRETER: That is a poor translation,but it is that part that is a poor translation.

Q Is it a true translation?

CAPTAIN TUBRIDY: Is it the substance?

THE INTERPRETER: Shall I translate from this here into English. Maybe it can give you a better opinion of it.

CAPTAIN TUBRIDY: Is the substance the same?

THE INTERPRETER: Yes.

CAPTAIN TUBRIDY: Substantially similar?

THE INTERPRETER: Yes, it does not speak of "valuables."

CAPTAIN TUBRIDY: I think you can proceed if the substance is the same.

Lt. HARRIS:
BY [redacted]

Q Didn't you receive instructions right after this progrom about measures designed to force the Jews to leave Germany?

A I remember an order that stated that those Jews that intended to leave Germany could be, or were to be released primarily from the camps. Therefore,for that I used this order,whether it was meant or not to release a number, or as many Jews as possible to be released, I don't know.

Q You understand the reason that the Gestapo was making arrest of these thousands and thousands of these innocent Jewish people. Was it to put

H0935-0033

them in such fear they would be forced to leave Germany, and lose all of their property?

A We did not know that.

Q That is what happened, isn't it.

A I don't know. We did not realize that.

LT. HARRIS: I am through with the questioning.

RE-DIRECT EXAMINATION

BY DR. HEIM:

Q Were any perons other than officials of the Gestapo sent to the concetration camp Vulkan Werft?

CAPTAIN TUBRIDY: Just a minute, will you translate that.

THE INTERPRETER: He did not understand that question. He said these persons were sent to concentration camps through or by Gestapo officials.

BY DR. HEIM:

Q The witness did not understand the question. Did any officials of the Gestapo at Stettin send any persons to the concentration camp Vulkan Werft?

A No.

Q How many Jews were arrested by the Gestapo in Koenigsberg after the 8th and 9th of November?

LT. HARRIS: Just a moment. I object to the question, being irrelevant. The important thing is how many Jews were arrested throughout the Reich. We have evidence concerning Heydrich that there were 20,000. It seems to me entirely immaterial to break this down into small numbers, and into small districts.

DR. HEIM: The objection is without any basis. The witness can make a statement concerning the 8th or 9th November of what he participated

H0935-0034

in, and that is just what I want to hear from the witness.

CAPTAIN TUBRIDY: I don't think you understand the basis of Lt. Harris' objection.

DR. HEIM: I understand it very well. The prosecution says that we have the statement of Heydrich concerning the number of Jews arrested in all Germany,and therefore, it is not very necessary to find out how many Jews were arrested in the area of the Gestapo and Koenigsberg. However, I want to point out it is important for me to find out how in the various places these orders of Heydrich were carried out.

CAPTAIN TUBRIDY: Were the orders of Heydrich carried out?

DR HEIM: That is the question which I asked the witness. How the orders of Heydrich were acted upon.

CAPTAIN TUBRIDY: In his particular locality.

DR. HEIM: What is in the area of his office.

CAPTAIN TUBRIDY: All right, proceed.

THE WITNESS: These orders of Heyrich's, especially concerning the arrest of these Jews, was made very hesitatingly, because all the officials considered these actions as unjustified.

CAPTAIN TUBRIDY: You mean these orders were "executed" instead of "made." The orders were "executed." (The answer having been read)

THE INTERPRETER: Executed or carried out,yes.

BY DR HEIM:

Q Were among these people of arrested Jews such that were arrested during the night of 8th or 9th of November xxx by members of organizations not belonging to the Gestapo?

A You mean through police offices besides Koenigsberg?

Q No, I mean from these circles that carried out, or executed these riots or demonstrations during the night of 8th or 9th of November?

A That was principally refused.

H0935 - 0035

Q What would have been the case if your office had not executed that order of Heydrich's, to arrest the Jews?

A Probably I myself with all my employees would have been sent to the concentration camp.

Q The prosecution stated this morning that a number of synagogues were burned down on the orders of Heydrich. What do you know concerning that sofar as your circle was concerned, or your district was concerned?

A Upon the orders of Heydrich, no synagogues were burned down.

DR. HEIM: That is all. No further questions.

CAPTAIN TUBRIDY: No further questions?

DR. HEIM: None.

CAPTAIN TUBRIDY: The witness will be excused.

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The foregoing is a true and correct transcript of the testimony of Dr. Heinrich Vitzdmann, taken on 4 June, 1946.

Alice Mahon
Reporter (pp 1-3 pp )

Mabel A. Lessner
Reporter (pp 4-20 pp )

C J Gallagher
Reporter (pp 21-34 pp )

CERTIFIED TO:

Commissioner

Commissioner

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH, 1946.

4 June 1946

COMMISSIONERS:

Colonel A.M.S. Neave

Mr. McIlwraith.

THE GESTAPO

( The Commission convened at 10,00)

DR. HEINRICH VITZDMANN, a witness, took the stand and testified as follows:

BY THE COMMISSIONER:

Q. What is your name ?

A. Dr. Heinrich Vitzdmann.

Q. Will you repeat this oath after me :

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath .)

COLONEL NEAVE: You may sit down. Dr. Weisgerber, will you give us a brief statement of the matters you wish this witness to bring out. I think I asked Defense Counsel to submit this statement in writing.

DR. WEISGERBER: I will do that in the future. The witness shall testify concerning the concentration camp near Stettin and concerning the happenings of November 8, 1934 as far as the Gestapo is concerned.

COLONEL NEAVE: The Concentration Camp is described as Vulken Werft ?

DR. WEISGERBER: Yes - near Stettin.

COLONEL NEAVE: Will you go on ?

DIRECT EXAMINATION

BY DR. HEIM:

Q. What is your name ?

A. Dr. Heinrich Vitzdmann

Q. When were you born ?



H0935-0036

H0935-0037

A. February 29th, 1892.

Q. Where ?

A. At Stralsund.

Q. What was your career with the Police ?

A. In 1922 I entered the Prussian administration as a legal assistant, in 1927 I became Regierungsvat and during that time I worked especially with police matters. In 1933, I became assistant chief of the Police in Stettin, but without any supervision over the political police. In 1936 I was made Chief of Police at the Main Police Office at Konigsberg. I was also in charge of the local Gestapo office. In the middle of 1939 I was transferred out of the Gestapo again and then became police president.

Q. In 1934, when you were the assistant to the Chief of Police in Stettin did you turn in and report SS Oberfuehere Engel because in the area of Vulkan Werft he had an unauthorized concentration camp ?

A. Engel at that time was my chief as Police President and I was his assistant or deputy. Engel had on the terrain on the former Vulken Werft an unauthorized concentration camp. He had that camp administered by SS men that he had sent from Berlin.

COLONEL NEAVE: Will you please repeat this man's name and what position he held in the SS ?

DR. HEIM: The witness said that the man was SS Oberfuehere Engel.

COLONEL NEAVE: Was he in charge of this concentration camp ?

, DR. HEIM: The witness has said that Engel had organized this concentration camp and that Engel was the Chief of Police.

THE WITNESS: May I add something ?

COLONEL NEAVE: Yes.

THE WITNESS: Engel was formerly chief of the SS in Pommern and was made Police President at Stettin.

BY DR. HEIM:

Q. Did you at that time report Engel ?

A. Yes, I reported Engel after I heard of various cases of mal-treatment of persons at the concentration camp, especially the mistreatment of Jews who refused to give Engel either money or material, such as coal for instance.

These happenings were reported to me by Gestapo members in Stettin, men who did not have anything to do actually with the Concentration camp. I then went to the President of Stettin and reported to him the entire matter.

Q. What organization or office took measures against Engel ?

A. The state president went to Berlin and brought the entire matter to the attention of Goering.

COLONEL NEAVE: We will now recess for ten minutes.

( The Commission recessed at 1130 hours)



H0935-0038

H0935-0039



(AFTER RECESS)

BY DR. HEIM:

Q I should like to repeat my last question. What office took action against Engel?

A Goering personally ordered an assessor, a legal assistant, to investigate the incidents in Stettin on the report that the State President had given him. He carried on this investigation aided by officials of the Gestapo who gave him very strong support in uncovering the crimes that had been committed. He then reported personally to Goering. Then Goering entered an action against the guilty persons through the Ministry of Justice.

Q In what capacity did Goering proceed at that time?

A Goering was at that time Head of the Gestapo inPrussia and at the same time Prime Minister.

Q What part did the Gestapo of Stettin have in the procedure against Engel?

A The Gestapo of Stettin had no part in the incidents which took place in Vulkan Werft; on the contrary they reproached them.

Q Did the Commission avail themselves of the Gestapo officials of Stettin at that time?

A Goering's deputy had specially trustworthy Gestapo officials present at the investigations and interrogations.

Q What happened to the guilty persons?

A The guilty people were sentenced by a legal trial to penal servitude but on the 30th of June, 1934, they were executed, on Goering's orders.

Q Did the Gestapo bfficials have any personal disadvantages by having proceeded against Engel?

A One of Goering' sifrs measures was to rob Engel of his post. But very soon an opposition movement arose in the police department of the Ministry of the Interior. The Gestapo officials who had a hand in this were ordered to appear in Berlin. There they were interrogated and most of them were transferred to other posts. After some time I myself was also transfer The National Socialist Party did not want to accept my membership because of behavior detrimental to the Party. Then Goering once more interceded and finally relieved Engel of his post. Engel then became Director of the Garbag

H0935 – 0040

Disposal of Berlin.

Q I would now like to have the witness testify as to the events of the pogrom of the 8th and 9th of November 1938. First, concerning the conference in Munich on the 8th of November that was convened by Heydrich. Were you present at the meeting of the Gestapo officials that had been called by Heydrich on the 8th of November?

A Yes, but the meeting took place on the 9th of November.

Q Did Heydrich declare that a Jewish Pogrom was going to take place that night?

A Yes. Heydrich had all the officials looked for in their hotels and also on the streets, in order to invoke them to a meeting. At this meetin he declared that reprisal actions were going to take place for the murder of the Councillor of theEmbassy in Paris, von Rath.

Q At what time of day did this discussion begin?

A The meeting must have taken place between 9:00 and 10:00 p.m.

Q Did Heydrich say who had issued the instructions concerning the Jewish Pogrom?

A Heydrich did not pronounce the name very clearly but he left no doubt as to the fact that the action was instigated by Goebbels.

Q Did Heydrich obviously agree with the carrying out of this pogrom?

LT. HARRIS: I think this is entirely immaterial and I object on this count. The question calls for a conclusion and it is irrelevant. I have no objection to the witness testifying as to what Heydrich said but I object to the witness testifying as to his conclusions as to what Heydrich's personal feelings were.

COLONEL NEAVE: I sustain that objection. Dr. Heim, will you find out from the witness what Heydrich said?

BY DR. HEIM:

Q Did Heydrich make any remarks to show that he did not agree, was not agreeing with Jewish Pogroms?

A Heydrich explained very clearly that this pogrom did not rise out of a police action, that the police had absolutely nothing to do with anything of this sort and that if the police did have a hand in it it would only be as

H0935-0041

far as preventive measures were concerned.

Q You used the term "police". Do you mean police in general, or the Gestapo?

A The entire police, Gestapo included.

Q Did Heydrich in his speech ask the Gestapo to participate in this pogrom?

A No. On the contrary, Heydrich forbade the Gestapo expressly to have any active part in this pogrom. On the contrary, he asked the Gestapo officials who were present to return as quickly as possible to their offices and to try everything to put an early end to this pogrom. They were, above all, to see to it that no meetings took place.

H0935-0042

Q In Document 3051-PS, submitted by the Prosecution, it says under No. 2, this is a teletype to all offices of the Police and Police Main Offices, written by Heydrich -- if the directives mentioned in paragraph 1 are carried out, the demonstrations that are going to take place are not to be prevented by the police but the police are to see to it that the keeping to the directives is being guarded or watched. How do you explain this contradiction--

LT. HARRIS: I just wondered whether you had a copy of the German to be submitted to the witness so that he can read it. He may have seen it before but as a matter of accommodation I think it would be helpful to the witness.

COLONEL NEAVE: Are you putting this document to the witness?

(The document was handed to the witness).

BY DR. HEIM:

Q How do you explain the contradiction between Heydrich said in Munich and these instructions which I have just submitted to you?

A This contradiction I explain by the development of events which had occurred in the meantime. At the time that Heydrich spoke to the Gestapo officials he knew nothing of the events themselves. At the time when he issued his orders to the Gestapo offices many of the synagogues were already on fire and excesses had already taken place. Therefore he could at such time issue only such orders as could be carried out. There would have been no sense in having tried to have the synagogues guarded during the night after many of them had already been reduced to ashes.

DR. HEIM: The witness is now supposed to testify as to the behavior of the Gestapo in Königsberg at the time of the Jewish Pogroms.

COLONEL NEAVE: Did you state at the beginning that he was going to describe these events?

DR. HEIM: Yes.

COLONEL NEAVE: Are you referring to the Jewish Porgrom in 1938 -- to the Gestapo behavior at Königsberg?

DR. HEIM: Yes. The witness is to testify as to what happened after Heydrich's speech, in the Gestapo office in Königsberg.

COLONEL NEAVE: All right.

H0935-0043

BY DR. HEIM:

Q When did you return to the Gestapo Office, Königsberg, from Munich?

A I left immediately the next morning and arrived in Königsberg one or one-and-a-half days later.

Q What, as Chief of the Gestapo there, did you hear had happened in your absence during the Jewish Pogrom?

A I first learned that the Gestapo had been taken completely by surprise --

COLONEL NEAVE: Dr. Heim, is that this witness heard had happened in Königsberg during his absence at the Munich Conference relevant? Also, I don't remember that you referred to the events at Königsberg in your original statement. I am sure you did not. The witness may state his own knowledge of what happened in the Gestapo office in Königsberg but he may not state anything regarding to hearsay happenings during his absence in Munich.

DR. HEIM: The witness can testify as to what was submitted to him as official matters when he returned to his Königsberg office and the action that he took concerning the Jewish pogrom which had not yet been concluded.

COLONEL NEAVE: Well, let us keep this short because you never raised this at the beginning. Let's hear what action he took.

BY DR. HEIM:

Q What did you learn at Königsberg?

A I heard from the director of the Executive Department that the Synagogue had been set on fire and had burned down. I also learned that certai buildings belonging to the Jews had been evacuated and had been seized by the troops. I also learned that show windows in the main streets had been demolished and plundered. Gestapo officials had been commandeered everywhere immediately in order to prevent further looting. Groups made up of members of the population had entered various flats, had seized the furniture, linen and clothing, had thrown them on the street and had distributed these articles there. As soon as such cases became known, Gestapo employees were sent there. Moreover, about three or four men in SA uniforms were responsible for the death of three to four Jews. I had these people arrested immediately and handed them to the guards.

H0935-0044

Q What action did you take concerning plundered Jewish property?

A I had heard that much of this property had been acquired by circles of the political leaders and party members. I went immediately to the Gauleiter and requested that he order that all such property as had been acquired from Jews, even if it had been bought, was to be returned immediately and deposited with the Gestapo. This order was carried out to a great extent and wherever possible the property was returned to the rightful owners. At that time many Jews approached the Gestapo, asking that they be protected by the Gestapo because they knew they would be treated well there. Several party officers immediately tried to get possession of the houses that had been forcefully evacuated. The Gestapo itself took no part in buying such houses or in taking possession of such houses.

H0935-0045



Q Were distinguished Jews arrested by the Gestapo in Königsberg?

A When I returned to Königsberg a number of Jews had been arrested by reason of Heydrich's order. I did not send these people to a concentration camp but kept them in rooms on the premises of a Fire Brigade School. I saw to it that they were well quartered and well fed. In the course of the weeks following one after another of these Jews was released.

DR. HEIM: I have four more questions.

BY DR. HEIM:

Q Did members of your Gestapo office enrich themselves by taking Jewish property?

A No, not a single Gestapo employee did so. I had also issued written orders that anyone who took such actions would be dismissed immediately. The Gestapo officials did not do any such thing for this reason also -- because they considered the whole action a crime.

Q Were you not pressed by several sides to arrest a certain woman, a half-Jewish woman called Fleischer, in Königsberg?

A Yes, this woman --

COLONEL NEAVE: Wait a minute. Do you think we need a description of this incident? Can't we just know whether this person was arrested or not?

DR. HEIM: This is the second to the last question.

BY THE WITNESS:

A This half-Jewish woman, Fleischer, who was considered full Jewish in the terms of the Nurnberg Laws, had carried on a very intimate relationship with the Councillor of the Embassy in Paris, vom Rath, who had been murdered. Pressure was put upon me to see to it that this woman would be sent to a concentration camp so that nothing would become known of this. I refused for two reasons, first, because in my opinion an intimate relationship, a love relationship, is no reason for sending anyone to a concentration camp; secondly because I did not wish to support Goebbels' thesis. I then went to Berlin and reported to Dr. Best. After considerable discussion he declared himself to agree to my opinion. Up to the middle of 1939, until which time I was in Königsberg, nothing happened to this Jewess.

H0935-0046

DR. HEIM: I have no further questions.

THE SS

DR. HENZEL: I should like to ask one question for the SS. In the Decree that was submitted to you it says that the Gestapo might make use of the SS in order to keep order. Do you remember whether in these hectic days of the 9th and 10th of November, SS groups were used to sustain order on the streets?

THE WITNESS: I heard nothing of such actions in Königsberg or East Prussia.

CROSS-EXAMINATION

BY COLONEL GRIFFITH-JONES:

Q I want to ask you a few questions about the Stettin Camp. How long had that camp been in existence when it was closed up?

A Several months.

Q Can you tell me by whom it was manned - who were the men who were acting guards of the camp?

A The acting guards were exclusively SS men. They were in part rather wild looking men, people Engel had brought from old fighting groups in Berlin.

Q We have been told by other witnesses that there were other camps of this kind, unauthorized camps. Do you personally know of any others beside Stettin?

A No.

Q What was wrong with the conditions in this camp?

A First of all it was a camp that had not been approved. Secondly, the quartering was really unworthy of human beings. Thirdly, mal-treatment took place to a great extent. Fourthly, the reasons for which these people had been arrested were objectionable ones because on most of these people pressure had been put consisting of blackmail. For example, if the SS needed coal, they looked for a coal dealer, preferably a Jew, in order to supply this fuel free of cost. If the dealer did not want to supply the coal he was put into the camp until he declared himself willing to supply the fuel.

H0935 - 0047

Q What was the number of internees in the camp when it was closed up?

A I can only give an estimate - I believe below 100.

Q Were prisoners brought to that camp from other districts outside Stettin?

A Yes, especially from the SS District Pomerania.

Q Was that a district which came under Engel?

A Yes, in his capacity as SS leader.

Q Were people brought to Stettin from areas outside the jurisdiction of Engel's command?

A I don't believe so.

Q You have told us that people were brought there to be blackmailed by the SS. Were the SS generally throughout the country blackmailing people and behaving in that kind of a way, whether or not they had a concentration camp handy?

H0935 - 0048

A No, that was not the case. This happened only in certain places where responsible leaders were liable to carry on such excesses.

Q Can you tell me other areas where excesses were carried on by the SS?

A I might mention Berlin, in the infamous Columbia House, but I have no definite information.

Q Can you tell me about the infamous Columbia House?

A No, I cannot.

Q Can you give us any brief idea as to what happened at the infamous Columbia House?

DR. HENZEL: I should like to object because the witness just said that he knew nothing about the Columbia House and he is now being asked to give information about it.

BY COLONEL GRIFFITH JONES:

Q Well, let me ask you this. Was the Columbia House a place of detention run by the SA?

A I cannot say, I do not know.

COLONEL NEAVE: The witness has repeatedly said that he does not know.

COLONEL GRIFFITH JONES: I accept that; I just wanted to find out to what extent he did not know.

BY COLONEL GRIFFITH JONES:

Q We have been told of other unauthorized camps being organized by the SA. Do you know of the existence or did you know at that time of the existence of any such camps?

A I heard nothing of any camps that were established, if you mean at about that time.

Q I mean at about that time.

A No.

Q Were there camps established by the SA at any other time?

A I know nothing of the SA nor of the SS. I only knew of concentration camps that were erected officially later.

Q Why did you ask specifically whether I was referring to about that time or not?

H0935 - 0049



A. Because I wanted to distinguish between the establishment of official concentration camps.

Q. Did theSA cooperate in any way with the SS in the running and organizing or the setting up of the Stettin Camp?

A. The SA had nothing to do with it. It was an SS camp.

Q. I want to ask you about the authorized camps.

COLONEL NEAVE: I stopped Lt. Harris this morning onthe grounds that he was not confining himself as far as possible to cross-examination on matters, and this I think we previously agreed, which defense counsel had stated at the beginning of his examination.

COLONEL GRIFFITH JONES: Perhaps I can make theobject of my question clear and I think you will see that I am keeping within that arrangement. This witness has given evidence which in a word can be summarized as going to show that the Gestapo is a perfectly legal and harmless organization. When I say that I am going to ask him about the authorized concentration camps, I am going to do so only insofar as the Gestapo are concerned and in order to rebut that evidence that they were harmless, legal organizations.

COLONEL NEAVE: Dr. Weisgerber, I do see that in your application you state that the facts that this witness is supposed to prove are relevant because they refer to action by theGestapo against ill-treating of prisoners, and arrests contrary to the law. Perhaps you would like to see your original application. (Application handed to Dr. Weisberger.)

DR. WEISBERGER: We asked that this witness be called expressly to examine him on whether the Gestapo took action against the unauthorized camp in Stettin. I did not have this witness called on matters concerning the Gestapo actions nor concerning other concentration camps. I would like to state that later I shall ask for a witness to be called who is to testify as to the relationship of the Gestapo to concentration camps, so that the questions the prosecution would like to ask now are superflous.

COLONEL NEAVE: Col. Griffith Jones, I do not believe this witness qualifies as an expert on concentration camps. I think it will be preferable to confine ourselves to this incident about which he is called to testify.

H0935 - 0050



BY COLONEL GRIFFITH JONES:

Q Let me then turn to the November 1938 demonstrations. Did I understand you to tell us that the Gestapo took no criminal action during the course of those demonstrations?

A Yes.

Q You know, do you not, that on the 10th of November, Heydrich sent an order to all State Police Stations instructing the police, so far as their other duties allowed them, to arrest in all districts as many Jews, especially rich ones, as could be accommodated in the prisons. Do you know that?

A Yes.

Q Wait one moment. Do you know that only the healthy men and men not too old

H0935-0051

were to be arrested?

A Yes.

Q And that upon their arrest the appropriate concentration camps were to be contacted immediately?

A Yes, I know all that.

Q Was there any just cause for arresting Jews on the 10th and 11th of November?

A No. I do not know, but I imagine that this order was issued to see to it that the action was carried out with as little bloodshed as possible and in order to undermine the action.

Q But why should it be necessary to arrest as many healthy Jews as possible in order to avoid bloodshed?

A I cannot say what the reasons were because we got this order.

Q I am not asking what the reasons were for the order - I am asking whether you agree with me that it was wholly unjustified;

A Yes. I considered it unjustifiable and all the Gestapo employees also considered it unjustifiable.

Q Was such an arrest in complete contradiction to the laws then in force in Germany?

A Yes and I carried out only part of this order by not sending the Jews into the concentration camp but by quartering them in a Fire Brigade School.

Q My questions are not directed to you personally - I am asking generally. In actual fact 20,000 Jews were arrested on that day, were they not?

A I do not know how many Jews were arrested.

Q If Heydrich reported on the 11th of November to Goering that 20,000 Jews had been arrested, you would accept that figure, would you not?

A Yes, if Heydrich says so.

Q Now can you explain to me why, if the Gestapo was an organization that was used only for lawful purposes, they should participate in the wholly illegal and unjustifiable arrest of 20,00

H0935-0052

Jews?

A The Gestapo did not take any part in this action as such but only carried out police orders that were issued to the Gestapo.

Q I understood you to say that you yourself, your own Gestapo, had arrested a number of Jews?

A Yes.

Q You were in November 1938, the head of the Gestapo in Konigsberg?

A Yes.

Q It was your Gestapo officers who assisted in the arrest of a number of Jews?

A Yes, they did.

Q Well, let me ask you now, why do you say that the Gestap did not assist in the arrest of Jews?

A In the actual arrest, yes.

Q Well do you think that it was lawful to arrest Jews who had committed no offense, for no other reason than that they looke healthy, or not too old?

A When I returned to Konigsberg they had already been arrested and I imagine this order was carried out in order to put as quick an end to the whole matter as possible.

Q Very well. Now I am going to pursue that matter. Let me ask you one further question upon the events of November. Do you know that according to Heydrich, reporting on the 11th of November, 191 synagogues had been set on fire and another 76 had been completely destroyed?

A I do not know the exact number.

Q Well you can take that figure from Heydrich. Do you consider it a proper course to adopt for the Secret State Police to stand by and do nothing to prevent that destruction taking place

A I was told that the Gestapo did not hear of this action until after the action was already instigated and in full swing.

Q If the Gestapo was a legal and proper organization why

H0935-0053

should it ever have had orders of that nature issued to it, whatever time those orders happened to arrive?

A I don't quite understand the question.

Q Do you think an order issued by a head office, to arrest as many Jews as the prisons will hold and to stand by and not interfere while Jewish synagogues and property were burned down -- do you think such an order is a legal and proper order?

DR. WEISGERBER: I object because the question asks the witness to give a personal impression.

COLONEL NEAVE: I think as an important person in the Gestapo he might answer the question; the question really is whether he thinks it was right or wrong.

COLONEL GRIFFITH-JONES: That is correct.

DR. WEISGERBER: I should like to point out that in this very room questions of the defense concerning opinions of witnesses have been objected to and as far as I know, interrogation here is not to be concerning opinions of individual persons but the general idea of an organization or unit as a whole.

H0935-0054

COLONEL GRIFFITH JONES: That is perfectly true but at the same time this man has given evidence that he was a t a conference with Heydrich where these orders were given.

COLONEL NEAVE: Could the question therefore be framed in respect to the conference?

COLONEL GRIFFITH JONES: This witness has said that the Gestapo was not a criminal organization. I am entitled, therefore, to find out what his ideas of "criminal" are. T here is no difference between asking this question and asking him whether or not the Gestapo was a criminal organization. All he can do is give his opinion.

COLONEL NEAVE: Yes, Dr. Weisgerber, we must allow this question because the witness, by putting himself in the box hasput himself forward as a creditable witness at which these orders were given, he may be cross-examined as to whether he thinks they were right or wrong.

BY COLONEL GRIFFITH JONES:

Q Now will you answer my question? Do you think that order was a proper order or a wholly unjustifiable and illegal order?

A Like my employees, I also did not consider this order a proper one but we thought that the possible reason for it might havebeen that by these means the excitement that prevailed among the population was to be stopped.

Q I do not want to press this matter but are you telling us now that by allowing all the sunagogues in sight to be burned down and by the arrest of 20,000 innocent persons, you were likely to stop the excitement?

A No, I personally did not believe this.

COLONEL GRIFFITH JONES: No further cross-examination.

LT. HARRIS: I have a question or two to put to the witness.

COLONEL NEAVE: I think it is time to adjourn. You can ask your questions after lunch.

(A recess was taken until 1400 hours.)

AFTERNOON SESSION

(The Commission reconvened at 1400 hours, 4 June 1946)

DR HEINRICH VITZDMANN - Resumed.
CROSS EXAMINATION - continued.

CAPTAIN TUBRIDY: Will you remind the witness he is still under oath.

H0935-0055

THE WITNESS: Yes.

COLONEL GRIFFITH JONES: I wonder if I might be allowed to ask a few questions which I had forgotten this morning.

BY COLONEL GRIFFITH JONES:

Q Tell me who were the members, or what organization was it that set the synagogue on fire on 10 November 1938?

A They might have been SA men, and members of the Political Leaders. There were single groups of Brownshirts that went through the streets druing these riots, and it is reported that the order actually came down from Goebbels to the various Gauleiters.

Q If the Gauleiters had received his o rder they would have distributed, or circulated the instructions down to the lower men of the Leadership Corps, is that not so?

A Yes, that iswhat I suppose so.

Q Do you know as a fact, being the Chief of the Gestapo in Koenigsberg at that time. Do you not know as a fact who is responsible for organizing the demonstration?

A No, the Gestapo did not find that out.

Q You don't know that the SA Leaders were sent any reports of the damage done?

H0935-0056

A As a leader to whom did they report them?

Q I am asking you if you knew whether they did report?

A No.

Q Do you know whether the junior ranks or the lower ranks in the Leadership Corps reported?

A I don't know to whom they were supposed to report.

Q To the higher formations or commanders?

A No, I know nothing about it.

Q Whoever it was that organized the demonstration in November, they were never organized on a big scale, were they?

A Yes, the person that organized this was supposed to have been Goebbels.

Q And the organization was carried on down to the lowest levels?

A I heard that it was supposed to have been sent down through the Gauleiter down to the district leaders.

Q Is that the Kreisleiters?

A I do not know that officially.

THE INTERPRETER: He said, Kreisleiters.

BY COLONEL GRIFFITH JONES:

Q Did you hear of the order going down below the Kreisleiters?

A No, I know nothing of that.

Q Did you hold any conference after the demonstration with either the political leaders, or the leaders of the SA?

A No, I did not have any such conference. We had to present our reports concerning the destruction to Heydrich in Berlin, and what happened after that I do not know.

COLONEL GRIFFITH JONES: That is all.

DR. BERGES: May I ask a question before the Court for the Political Leaders.

CAPTAIN TURRIDY: One question?

DR. BERGES: Yes.

BY DR. BERGES:

Q Witness, you stated that you with the Political Leaders took part in this demonstration. Can you tell me from whom you heard that, and when

H0935-0057

you heard that?

A As I stated before I cannot say who they were, but from the conference with Heydrich it came very clear that it came down from Goebels, and as I say I cannot say officially that it went down from him to the Gauleiters and the Kreisleiters.

DR. BERGES: No further examination.

BY COLONEL KAREV:

Q Did I understand the witness to say that the Gestapo members that mistreated the prisoners were later on sentenced?

A You are speaking of Stettin?

Q Yes?

A Yes, the Gestapo members which were discovered to have some connection with the Vulkan Werft were later on disciplined.

Q Why were they disciplined?

A Well, as I stated Goering removed Engel from his office, but in the Ministry counter actions were started by friends of Engel, and as I have said before, for a short while he was reinstated, as I said before, through the action of Daluege, a friend of Engel. He was reinstated, and the Gestapo men that had acted against Engel in uncovering this concentration camp were disciplined by Engel, the same as I was. They were disciplined not directly by Engel, but by police direction of the Ministry.

Q Did I understand you correctly, that the higher officials of the Hitler government covered or helped those persons that were responsible for the mistreatment of those prisoners?

A The story was as follows: That Goering on one side relieved Engel of his post, and on the other hand Daluege, the Chief of the Police Department, put Engel back into power, and disciplined the Gestapo agents that had helped in uncovering this concentration camp. Then Goering once again stepped in, and removed Engel permanently.

Q Did I understand the witness correctly in saying there was friction between the Gestapo and the SS?

A Yes.

Q Who was in charge of the SS and the Gestapo at the time that the witness was on duty?

A Engel was both the Chief of the SS in Pommerania, and Chief of the Police in Stettin.

Q Was Himmler in charge of the SS and the Gestapo at that time, or were those two organizations combined?

A At that time the Chief of the Gestapo was Goering, and the condition of the SS was Himmler.

COLONEL KAREV: No further questions.

LT. HARRIS: I would like to ask one or two questions to clear up some matters.

CAPTAIN TUERIDY: Yes.

BY LT. HARRIS:

Q As I understand it, SS Oberfuehrer Engel was the leader of the SS



H0935-0058

H0935-0059

in Pommerania ?

A. Yes.

Q. Did he establish this illegal concentration camp, or was he merely the commander of it ?

A. No, he built it.

Q. And when you found out about the atrocities that were being committed by the SS in this illegal concentration camp, you went over his head and reported the matter to the Regierungs president of Stettin ?

A. Yes, directly.

Q. And since you went over his head and made this report, you must have thought that the conditions in this illegal concentration camp were very bad?

A. Yes.

Q. Following your investigation some of the guards in this camp, I think you said, were actually sentenced to penal servitude, and put into prison ?

A. Yes, penal servitude , and later on some of them were shot.

Q. Those who were shot had already been convicted, and were serving their sentence, but they were shot in connection with the Roehm purge by order of Goering ?

A. Yes.

Q. But Engel who was the leader of the whole operation finally wound up with a job as Director of Guard Disposal in Berlin ?

A. That was through their leader.

Q. Who was Gauleiter Karpfenstein ?

A. Karpfenstein at that time was Gauleiter of Pommerania, and he was on the side of Engel. He also brought measures from the Party against these Gestapo men, and myself who had reported the concentration camp due to the fact he claimed that it was harmful to the Party.

Q. Did Karpfenstein have anything to do with the establishment of this illegal concentration camp ?

A. Well, he knew about it, but he was not connected with it .

Q. Would you believe the testimony of Goering in this matter ?

A. What was the statement ?

Q. Concerning Karpfenstein participation in this illegal concentration camp ?

A. Yes, if Goering claimed that it could have been possible, very well, but I don't know of it.

Q. Let me read to you from the official transcript of this trial what Goering said about this illegal concentration camp, who was responsible, and what was the punishment. I read from page 5839 of the English translation, Goering's testimony:"I found out about such a matter near Stettin; it had been established by Gauleiter Karpfenstein from Pommerania. That I know that Political Gauleiters were also concerned in this concentration camp in addition to the SS." Do you think that Goering's testimony is true ?

A. Yes.

Q. Let's see what happened to Karpfenstein. He was top man in the Gau of course, and that is what Goering says in his sworn testimony in the second sentence as follows, quoting :"Karpfenstein was excluded from the Party, expelled from the Party." Do you think that is adequate punishment for atrocities which you knew occurred there in that concentration camp, or not ?

A. Punishment for whom ?

Q. For Karpfenstein ?

A. Sofar as I know that was not the reason for Karpfenstein to be expelled from the Party. What I believe was the reason, Karpfenstein was released during the Roehm Putsch due to conspiracy together with Obergruppenfuehrer von Heydebreck, the chief of the SA in Pommerania.

Q. You think that when Goering testified he caused Karpfenstein was released from the Party as punishment for establishing this illegal concentration camp, he was not telling the truth ?

A. It might have had something to do with it, but I don't think that was the only reason.

Q. Turning to 8th and 9th of November, how was it that you were in Munich on the night of 9 November 1938 ?

A. Heydrich had invited all the Gestapo chiefs to attend a conference on 9 November in Munich.

Q. There was another big conference going on there on 9 November in Munich Wasn't there ?

A. Yes, there was the regular Party celebrations that were on here on 9 November.



H0935-0060

Q. Did Heydrich tell you that at the conference the idea of the Nazi officials, just before the time that Heydrich spoke to you, this pogrom had been discussed and worked out ?

A. I can not remember that.

Q. You said this conference took place at nine or ten o'clock in the evening 9 November ?

A. Yes.

Q. You said that at this time Heydrich said that this pogrom was not a police action, and the police were to have nothing to do with it ?

A. They said that it only had these duties.



H0935-0061

H0935-0062

Q You attempted to account for a contradictory order which was read to you by your attorney by saying that probably the synagogues were all being burned down at the time of the conference unknown to Heydrich?

A Yes.

Q You said that you believed that this action was carried out by members of SA and Political Gauleiters?

A Yes.

Q And as a matter of fact the action was carried out jointly with the Gestapo and the Political Gauleiters, wasn't it?

A No, we just heard that evening what actually was going on from Heydrich.

Q I ask that the witness be shwon Document No.3051 PS. I just want you to go along with me, and you will see that this teletype which has been referred to heretofore, and this note at the very top of the page, the time of this teletype, shows it is 10 November 1938 the following morning, 1,20 a.m. that is a matter of three or four hours after this conference. Do you see that in the document?

A Yes.

Q Now I want you to read with me the first paragraph of that document. This teletype was sent to all headquarters and stations of the State conference. Paragraph one - you had better read the German: "The Chief of State police --- " Let him read, too. "Or their deputies must get in telephonic contact with the political leader, Gauleiter, or Kreisleiter, who have jurisdiction over their district, to have to arrange a joint meeting with an appropriate inspector or commander of the ordinance police to discuss the organization of these demonstrations. At these discussions the political leaders have to be informed that the German police had received from either the Reichsfuehrer SS or Chief of German Police the following instructions in accordance with which the political leaders should adjust their own measures." That shows the Gestapo was to work with the Politische Leiter in this pogrom, doesn't it?

A I say and peruse the following: These discussions were arranged so that it would be possible for the Gestapo to choke off or regulate these demonstrations.

H0935-0063

Q And I suppose you mean that they were to stop the burning of the synagogues, is that the idea?

A Yes, at first.

Q Lets read the next paragraph, paragraph A, and see whether Heydrich supports your present contention. This is what Heydrich orders you and other members of the Gestapo to do, at ,:20 am on 10th November. This is what he says in paragraph A : "Only such measures should be taken which do not involve danger to German life or property. For instance, synagogues are to be burned down only when there is no danger of fire to the surroundings." That does not look as though the Gestapo was being ordered by Heydrich at that point to stop burning down synagogues, does it?

A That shows an order that was sent by Himmler to the entire German police, and it is possible that in this order it is not Heydrich's opinion that is being expressed, but Himmlers.

Q But an order that is from Heydrich sent over the teletype to all Gestapo offices, istn't it?

A Yes, but they were not to the entire German Police. It says here that these orders were sent by the Reichsfuehrer SS to the entire German police.

Q You said that you went around and obtained all of the looted property that you could and returned it to your Gestapo office, didn't you?

A Yes, sofar as it was so possible to return it to the Jews.

Q What did you do with the property that you could not return to the Jews?

A In that case there was an order out that it was supposed to be turned over to the Reichfinanz Ministry, to the president of the Finance Department.

Q And that you also said that Heydrich, according to what he said in this conference, was not in favor of this mistreatment of Jews?

A Yes, he expressly forbid that.

Q Did you know that on 12 November at eleven o'clock in the morning, two days later, that Heydrich attended a meeting on the Jewish question, and at which time this pogrom was discussed with Goering and Funk, and other Nazi officials?

H0935-0064

A No, I don't know anything about that.

Q Then I ask the witness be shown document 1816. Now at this time Heydrich was head of the Gestapo, was he not?

A Yes.

Q And this document that you are being shown is a certain report of a meeting held under the chairmanship of Goering on 12 November, 1938, concerning this pogrom, and the action to follow. Now I want to ask you again whether following the pogrom you did not receive instructions to confiscate valuable objects in Jewish possession?

A I would not know of that.

Q All right, turn to page 44. We will se where Heydrich told Goering that they discussed about this confiscation of Jewish properties. This is

H0935-0065

Heyrich speaking: "But will also have to find an arrangement for confiscation of valuable objects in Jewish possession," and then Goering said, "What he has now in his possession, that will come." That indicates what Heydrich was intending to do.

THE INTERPRETER: Will you please read the sentence of Goering

Q What he has now in his possession, that will come."

THE INTERPRETER: That is a poor translation, but it is that part that is a poor translation.

Q Is it a true translation?

CAPTAIN TUBRIDY: Is it the substance?

THE INTERPRETER: Shall I translate from this here into English. Maybe it can give you a better opinion of it.

CAPTAIN TUBRIDY: Is the substance the same?

THE INTERPRETER: Yes.

CAPTAIN TUBRIDY: Substantially similar?

THE INTERPRETER: Yes, it does not speak of "valuables."

CAPTAIN TUBRIDY: I think you can proceed if the substance is the same.

BY LT. HARRIS:

Q Didn't you receive instructions right after this progrom about measures designed to force the Jews to leave Germany?

A I remember an order that stated that those Jews that intended to leave Germany could be, or were to be released primarily from the camps. Therefore, for that I used this order, whether it was meant or not to release a number, or as many Jews as possible to be released, I don't know.

Q You understand the reason that the Gestapo was making arrest of these thousands and thousands of these innocent Jewish people. Was it to put them in such fear they would be forced to leave Germany, and lose all of their property?

A We did not know that.

Q That is what happened, isn't it.

A I don't know. We did not realize that.

LT. HARRIS: I am through with the questioning.

H0935-0066

RE-DIRECT EXAMINATION

BY DR. HEIM:

Q Were any persons other than officials of the Gestapo sent to the concentration camp Vulkan Werft?

CAPTAIN TUBRIDY: Just a minute, will you translate that.

THE INTERPRETER: He did not understand that question. He said these persons were sent to concentration camps through or by Gestapo officials.

BY DR. HEIM:

Q The witness did not understand the question. Did any officials of the Gestapo at Stettin send any persons to the concentration camp Vulkan Werft?

A No.

Q How many Jews were arrested by the Gestapo in Koenigsberg after the 8th and 9th of November?

LT. HARRIS: Just a moment. I object to the question, being irrelevant. The important thing is how many Jews were arrested throughout the Reich. We have evidence concerning Heydrich that there were 20,000. It seems to me entirely immaterial to break this down into small numbers, and into small districts.

DR. HEIM: The objection is without any basis. The witness can make a statement concerning the 8th or 9th November of what he participated in, and that is just what I want to hear from the witness.

CAPTAIN TUBRIDY: I don't think you understand the basis of Lt. Harris' objection.

DR. HEIM: I understand it very well. The prosecution says that we have the statement of Heydrich concerning the number of Jews arrested in all Germany, and therefore, it is not very necessary to find out how many Jews were arrested in the area of the Gestapo and Koenigsberg. However, I want to point out it is important for me to find out how in the various places these orders of Heydrich were carried out.

H0935-0067

CAPTAIN TUBRIDY: Were the orders of Heydrich carried out?

DR. HEIM: That is the question which I asked the witness. How the orders of Heydrich were acted upon.

CAPTAIN TUBRIDY: In his particular locality.

DR. HEIM: What is in the area of his office.

CAPTAIN TUBRIDY: All right, proceed.

THE WITNESS: These orders of Heyrich's, especially concerning the arrest of these Jews, was made very hesitantingly, because all the officials considered these actions as unjustified.

CAPTAIN TUBRIDY: You mean these orders were "executed" instead of "made". The orders were "executed". (The answer having been read)

THE INTERPRETER: Executed or carried out, yes.

BY DR. HEIM:

Q Were among these people of arrested Jews such that were arrested during the night of 8th or 9th of November by members of organizations not belonging to the Gestapo?

A You mean through police offices besides Koenigsberg?

Q No, I mean from these circles that carried out, or executed these riots or demonstrations during the night of 8th or 9th of November?

A That was principally refused.

Q What would have been the case if your office had not executed that order of Heydrich's, to arrest the Jews?

A Probably I, myself, with all my employees would have been sent to the concentration camp.

Q The prosecution stated this morning that a number of synagogues were burned down on the orders of Heydrich. What do you know concerning that so far as your circle was concerned, or your district was concerned?

A Upon the orders of Heydrich, no synagogues were burned down.

DR. HEIM: That is all. No further questions.

H0935-0068

CAPTAIN TUBRIDY: No further questions?

DR. HEIM: None.

CAPTAIN TUBRIDY: The witness will be excused.

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The foregoing is a true and correct transcript of the testimony of Dr. Heinrich Vitzdmann, taken on 4 June, 1946.

Alice Meehan
Reporter

Mabel A. Lesser
Reporter

C. J. Gallagher
Reporter

CERTIFIED TO:

A. M. Noave
Commissioner

Joseph F. Tubridy
Commissioner